

REMARKS

Claims 1-3, 5-14 and 16-38 are presently under consideration. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1. Applicants note with appreciation that the amendments filed October 14, 2003 have been entered in full.
2. Claims 1, 3, 5, 14, 17, 18, 20, and 24-38 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,654,168 (the “‘168 patent”) in view of U.S. Patent No. 5,639,725 (the “‘725 patent”). Applicants traverse this rejection.

Applicants reiterate the arguments of record regarding this ground of rejection, and contend that the cited references fail to satisfy the criteria necessary for rendering the claimed invention obvious. Applicants are currently considering further action in this case. Applicants note for the record that, regardless of any future action taken in this case, Applicants do not acquiesce to this ground of rejection. Applicants reserve the right to prosecute, without prejudice, claims of similar or differing scope in this or in future patent applications.

3. Claims 1-3, 5, 14, 17-20, and 24-38 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the ‘168 patent and the ‘725 patent, and further in view of WO94/18317 (“Crabtree et al.”). Applicants traverse this rejection.

Applicants reiterate the arguments of record regarding this ground of rejection, and contend that the cited references fail to satisfy the criteria necessary for rendering the claimed invention obvious. Applicants are currently considering further action in this case. Applicants note for the record that, regardless of any future action taken in this case, Applicants do not acquiesce to this ground of rejection. Applicants reserve the right to prosecute, without prejudice, claims of similar or differing scope in this or in future patent applications.

4. Applicants have amended the first paragraph of the specification to correct a typographical error with respect to the filing date of provisional application serial number 60/013,014. Applicants note that the correct serial number was referenced in the first paragraph of the application, as filed. Accordingly, correction of this inadvertent typographical error does not constitute new matter. Applicants apologize for this error.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,



Melissa S. Rones  
Reg. No. 54,408

Date: July 16, 2004

*Customer No: 28120*  
Docketing Specialist  
Ropes & Gray  
One International Place  
Boston, MA 02110  
Phone: 617-951-7000  
Fax: 617-951-7050